

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 22-154 (SRN/BRT)

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. 15418 HAMPSHIRE LANE, SAVAGE,
MINNESOTA, *et al*,

**STIPULATION TO STAY
CIVIL CASE**

Defendants

and,

ABDIAZIZ FARAH, *et al*,

Claimants.

Plaintiff, United States of America, and Claimants Salim A. Said, Abdi Nur Salah, Abdiwahab Mohamud, Ahmed Sharif Omar-Hashim, Abdiaziz Farah, Empire Enterprises, LLC, Cosmopolitan Business Properties, LLC, Mohamed Ismail, Golis Properties, LLC, Bridge Capital, LLC, Abdifatah Aftin, BBI, LLC, Abdihakim Ali Ahmed, Five A's Projects, LLC, and Masjid Bilal Islamic Center, through their respective attorneys, and *pro se* Claimant and Sharmarke Issa, hereby stipulate and jointly move the Court for a stay of this civil proceeding until the related criminal investigation and proceedings are resolved.

This Stipulation is based on the following:

1. On January 21, 2022, the Plaintiff filed a Complaint for Forfeiture *in Rem* in this matter. ECF No. 1.
2. The United States has served notice of this action in the manner provided by law on all parties believed to have an interest in the Defendants *in rem*.

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3. The United States has published notice of this forfeiture action on the government's internet forfeiture website, www.forfeiture.gov. Publication commenced on March 1, 2022 and ran through March 30, 2022; therefore, any party with an interest in the Defendants *in rem* who was not otherwise been notified of this action was required to file a claim with respect to the Defendant Properties on or before May 1, 2022, pursuant to Supp. Rule G(5)(a)(ii)(B).

4. The Claimants filed Claims in this action asserting an interest in one or more of the Defendants *in rem*. (ECF Nos. 3, 5, 7, 8, 9, 11, 13, 23, 38, 43, 45, 48, 52, 56.)

5. Title 18, United States Code, Section 981(g), provides:

(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

(A) the claimant is the subject of a related criminal investigation or case;

(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

6. Through the Complaint, the United States asserts that the defendant properties were purchased using fraud proceeds, and that the defendant properties were involved in and are traceable to funds involved in money laundering transactions in

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violation of 18 U.S.C. §§ 1341, 1343, 1349, 1956 and 1957, and that one or more of the Claimants was involved in such fraudulent activities.

7. There is an ongoing criminal investigation involving into the fraud scheme and money laundering conspiracy alleged in the Complaint. This investigation includes one or more of the Claimants and/or officers or owners of the corporate Claimants. The parties agree that there is substantial overlap between that criminal investigation and this civil forfeiture case.

8. As a result, allowing this matter to proceed and for civil discovery to commence at this time would adversely affect the ability of the government to conduct a related criminal investigation or the prosecution of one or more related criminal cases by subjecting it to written discovery and subjecting its agents and cooperating sources of information to depositions. Such discovery and depositions could force the government to, among other things, reveal information that would not be available to the subjects of the investigation in a criminal proceeding, such as the scope of the investigation, the identity of the targets and of any cooperators, and the documents seized in the investigation.

9. In addition, allowing civil discovery could also adversely affect the Claimants', or the officers and owners of the corporate Claimants', rights against self-incrimination by subjecting them to civil discovery, including written interrogatories and depositions, notwithstanding the pending criminal investigation and potential criminal charges.

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10. The requested order would not affect the right or obligation of any additional third parties to file a timely claim in this matter as required by Supplemental Rule G(5)(A) and 18 U.S.C. § 983(a)(4). If any such claims are filed, the requested stay order would not prevent any such claimants from requesting that the Court set aside the stay requested by this Stipulation and Motion.

11. The parties to this stipulation agree that, if the requested stay is granted, all parties would retain the right to move the Court to lift the stay no sooner than six months after any order to stay the case is entered, and all parties would also retain the right to oppose such a motion if one is filed.

Based on the foregoing, the United States and Claimants jointly request that this Court stay all proceedings in this action pursuant to 18 U.S.C. § 981(g) until the related criminal investigation and prosecution are resolved or pending further order of this Court.

Dated: July 26, 2022

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